

CLASSIFICATION OFFICE DECISION

Title of publication: Untitled aka Image 3

Other known title(s): Not stated

OFLC ref: 1001821.002

Medium: Computer Image File Printout

Publisher: Not stated

Country of origin: Not stated

Language: Not applicable

Applicant: Commissioner of Police

Classification:	Objectionable.
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Descriptive note: None

Display conditions: None

Date of entry in Register: 22 December 2010

Date of direction to issue a label: No direction to issue a label has been issued

Summary of reasons for decision:

The computer moving image file is deemed objectionable under s3(2) of the Films, Videos, and Publications Classification Act 1993 (FVPC Act) because it promotes and supports the exploitation of children or young persons for sexual purposes. The file explicitly depicts two girls engaged in a sexual act, and salaciously focuses on the activity and the girls' nudity. Its likely intended use is to sexually arouse those viewers with a sexual interest in children or young persons. The publication serves to legitimise and encourage that interest.

The Classification Office has considered the effects of the New Zealand Bill of Rights Act 1990 on the application of the classification criteria. The classification of this publication interferes with freedom of expression, but this is an outcome that is consistent with Parliament's intention that publications falling under s3(2) of the FVPC Act are deemed to be objectionable. The classification is also a reasonable limitation on the freedom of expression that reflects the concern of a free and democratic society to limit the availability of publications that promote and support the exploitation of children or young persons for sexual purposes.